

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KERRY RICHARDS,

Plaintiff,

v.

THE PENNSYLVANIA STATE
UNIVERSITY,

Defendant.

No. 4:18-CV-01909

(Judge Brann)

ORDER

FEBRUARY 26, 2019

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendant's Motion to Dismiss, ECF No. 9, is **DENIED** as **MOOT**.
2. Defendant's Motion to Dismiss, ECF No. 12, is **GRANTED IN PART**
and **DENIED IN PART** as follows:
 - a. To the extent Count I is based on a violation of the Pennsylvania Human Relations Act, Amended Complaint, ECF No. 10 ¶ 25, Count I is **DISMISSED WITH PREJUDICE**.
 - b. To the extent Count I is based on a violation of the Age Discrimination in Employment Act, Amended Complaint, ECF

No. 10 ¶ 25, Count I is **DISMISSED WITHOUT PREJUDICE**

to Plaintiff filing an amended complaint within fourteen (14) days.

c. Count II is **DISMISSED WITH PREJUDICE.**

d. Count IV is **DISMISSED WITH PREJUDICE.**

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge